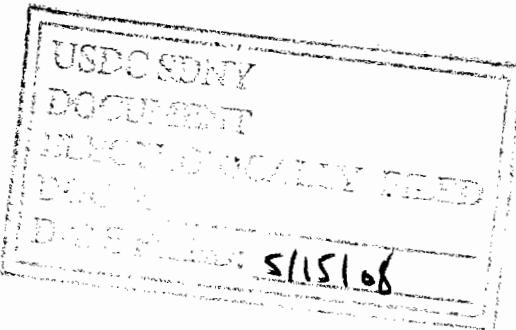




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May 14, 2008



**VIA MESSENGER**

Honorable Deborah A. Batts  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 2510  
New York, NY 10007

**MEMO ENDORSED**

Re: Kramer v. Lockwood Pension Services, Inc., et al., Index No. 08-CV-2429

Dear Judge Batts:

We represent defendant Phoenix Life Insurance Co. ("Phoenix") in the above-referenced lawsuit. We write to advise the Court that Phoenix has consented to the plaintiff's proposed Amended Complaint, which was electronically filed on May 7, 2008, without prior notice to Phoenix. Pursuant to Fed. R. Civ. P. 15(a)(3), Phoenix will respond to the Amended Complaint within ten (10) business days of today's consent (that is, on or before May 29, 2008).

Respectfully,

A handwritten signature of Christopher G. Karagheuzoff.

Christopher G. Karagheuzoff **MEMO ENDORSED**

cc: Andrew A. Wittenstein, Esq., counsel for Plaintiff (via electronic mail)

Tab K. Rosenfeld, Esq., counsel for Defendants and Cross-Claim Defendants Lockwood Pension Services, Inc. and Tall Tree Advisors, Inc., and Third-Party Defendant Steven Lockwood (via electronic mail)

Stephen Ross Herbert, counsel for Defendant TransAmerica Occidental Life Insurance Co. (via electronic mail)

Katherine Leigh Hersh, Esq., counsel for Defendant Lincoln Life & Annuity Co. of New York (via electronic mail)

**SO ORDERED**

**MEMO ENDORSED**

*Deborah A. Batts*  
DEBORAH A. BATTIS  
UNITED STATES DISTRICT JUDGE  
5/15/08

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